

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

11

INFORMATION

TOPIC

**Proposed Rule - Chapter 64 --- Wastewater Construction and Operation
Permits**

The Commission will be provided with copies of proposed wastewater construction and operation rules at the February meeting. These proposed rules renew the general permits for storm water discharges for another five years. According to statute, general permits issued by the Department must be renewed at least every five years. The general permits expire 10/1/07. Also, requirements to notify the Department when compliance responsibility has been transferred in residential and commercial developments are being eliminated.

- Renew general permits Nos. 1, 2 and 3 to be effective 10/1/07 until 10/1/12.
- Maintain current fee structure.
- Eliminate notification requirements when compliance responsibility has been transferred.

The rules are amendments to Chapter 64 to the Department's wastewater administrative rules.

Charles Corell
Water Quality Bureau
December 11, 2006

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.105(3), the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 567-64, “Wastewater Construction and Operation Permits”, Iowa Administrative Code.

Amendments to Chapter 64 reissue General Permits Nos. 1, 2 and 3 which authorize the discharge of storm water. General Permits 1 and 2 were issued in 1992 for a five year duration, reissued in 1997 and again in 2002 for additional five year periods and expire October 1, 2007. General Permit No. 3 was issued in 1997 for a five year duration, reissued in 2002 for an additional five year period and expires October 1, 2007. This action will renew all three, extending their coverage another five years to October 1, 2012. General permits for storm water discharges are required to be adopted as rules and are effective for no more than five years as specified in the Code of Iowa. Copies of the proposed revised General Permit Nos. 1, 2 and 3 are available upon request from the Department at the address or telephone number below. Also, the requirement that discharge may commence 24 hours after the Department has received the completed application has been changed to three business days after receipt by the Department.

These amendments to Chapter 64 also remove the provision in subrule 64.6(6) which requires compliance responsibility transfers to be sent to the Department. Since 1999, land developers have been required to notify the Department when responsibility for compliance with the terms of General Permit no. 2 has been contractually transferred to those who have purchased lots within residential or commercial developments. Sending copies of these agreements to the Department has proven to be of no value to the Department, developers or lot buyers. These amendments require that the transferor retain these agreements for three years after the project has been completed. The reference

to the minimum area required to be permitted is also being changed from five acres to one acre to reflect current rule requirements.

The fee structure of the current permits has been retained.

It is not the intent of the Department that the textual changes in the general permits be adopted in the Iowa Administrative Code (IAC) but that these changes be made in the general permits themselves which are adopted by reference into the IAC.

Any interested party may make written comments on the proposed amendments on or before April ___, 2007. Written comments should be directed to Storm Water Coordinator, Iowa Department of Natural Resources, 502 E. 9th Street, Des Moines, Iowa 50319; fax (515)281-8895. People who wish to convey their views orally should contact the Storm Water Coordinator at (515)281-7017 or at the Department's offices on the fifth floor of the Wallace State Office Building.

A public hearing will be held on April ___, 2007, at 1:30 p.m. in the Fifth Floor Conference Room of the Wallace State Office Building, at which time comments may be presented orally or submitted in writing.

Anyone who plans to attend the public hearing and has special requirements such as hearing or mobility impairments should contact the Storm Water Coordinator and advise of the special needs.

These amendments are intended to implement Iowa Code chapter 455B, division I.

The following amendments are proposed.

ITEM 1. Amend subrules 567--64.15(1), 64.15(2) and 64.15(3) as follows:

64.15(1) Storm Water Discharge Associated with Industrial Activity, NPDES General Permit No. 1, effective October 1, 2002 to October 1, 2007.

64.15(2) Storm Water Discharge Associated with Industrial Activity for Construction Activities, NPDES General Permit No. 2, effective October 1, 2002 to October 1, 2007.

64.15(3) Storm Water Discharge Associated with Industrial Activity from Asphalt Plants, Concrete Batch Plants and Rock Crushing Plants, NPDES General Permit No. 3, effective October 1, 2002 to October 1, 2007.

ITEM 2. Amend subrule 64.6(6) as follows:

64.6(6) *Transfer of ownership – construction activity part of a larger common plan of development.* For construction activity which is part of a larger common plan of development, such as a housing or commercial development project, in the event a permittee transfers ownership of all or any part of property subject to NPDES General Permit no. 2, both the permittee and transferee shall be responsible for compliance with the provisions of the general permit for that portion of the project which has been transferred, including when the transferred property is less than ~~five~~one acres in area, from and after the date ~~the department receives written notice of the transfer,~~ specified in the written transfer agreement provided that:

- a. The transferee is notified in writing of the existence and location of the general permit and pollution prevention plan; and of the transferee's duty to comply, ~~and proof of such notice is included with the notice to the department of the transfer~~ with the provisions of the general permit.
- b. If the transferee agrees, in writing, to become the sole responsible permittee for the property which has been transferred, then the transferee shall be solely responsible for compliance with the provisions of the general permit for the transferred property from and after the date ~~the department receives written notice of the transferee's assumption of responsibility~~ specified in the transfer agreement. The transferor must retain documentation that the

transferee has agreed to be solely responsible for compliance with the provisions of the general permit for three years after the construction covered by the general permit authorization issued to the site has been completed, final stabilization has been achieved for the site and a Notice of Discontinuation for the authorization has been received by the Department.

Date

Jeffrey R. Vonk, Director